G. R. S. IX-5]

Reserve

Previous references.
Cts 173-18 (1-4)
" 209-16 (1-6)

1918.
(Cts)

File No. 173-18

Serial Nos. 506

Later references.
Ch. 16-11 (1-10)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1150

Part B for July 19

SUBJECT.

See bill of Smt B. Venkatashamamma for having conducted prosecution in Chitaldrug Sessions case No 1 of 18-19.

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116) To, The public prosecutor, Shimoga.
" Dt Magistrate Chitaldrug.
" Dt Magistrates of other Dts.
" public prosecutors of Bangalore & Bangalore.
" Govt Advocate in Bangalore.
No G 1501-12 dt 21-7-19.

Lays down the principle to be applied in payment of remuneration to legal practitioners during temporary arrangements.

W D 1250—GPB—30,000 - 28-1-19

18/8/19.

G. R. S. III—1] 1918.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 173-18

FILE HEADING.

Fee bills of Mr R. Venkatarathnamma for having conducted prosecution in Chitaldrug sessions case No. 1 of 1918-19

From

The Public Prosecutor, Shimoga

No. 46 Dated 1-5-1919 Received 3-5-1919

Diary No. 1591	Enclos.	Spare Copies.	Serial No. 5

BRIEF ABSTRACT OF LETTER.

Represents that he returned in time to the D. M. Chitaldrug of his inability to attend, & that arrangements were accordingly made for the conduct of the business & that the arrangement did

NOTES AND ORDERS.

not entail additional cost and ~~prays~~ prays that the order may be kindly reviewed & the amount shortdrawn ordered to be refunded

Submitted for orders with References

Kind references is invited to para 9

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat.

of File No. 173 of 1918.

Serial No...

Ofcl. file 173-18 Bld (1-4)

2 The case dealt with at 209-16 is a similar one. There also no additional costs could have been entailed. But that was considered not to be the only criterion (vide paras 8 & 9 of the notes). But the Public Prosecutor had failed to make any arrangements for the conduct of business.

3 It is a point for consideration whether in the present case the Public Prosecutor had made satisfactory arrangement in communication with the Dt. Magistrate for orders.

4 satisfactory arrangement must be understood to mean an arrangement which is not likely to involve any additional expenditure to Govt. In the present case the Pub. Pros. made no such arrangement & the Dist. Magistrate had to appoint an advocate for the purpose who claims

NOTE—Contn. sheet.

Serial No.

his fees. The facts that the T.A. of the Pub. Prosr would have exceeded the fees claimed paid to the advocate if the Pub. Prosr had himself conducted the cases, seems to be immaterial. If the cases had been prolonged for a few days more the advocate would have probably claimed a higher amount.

The order in question followed the principle of the G.O. so need not perhaps be revised.

5. The Pub. Prosr has not stated why he did not ask one of his friends to attend to his work during his absence instead of requesting that he might be appointed as Pub. Prosr for the cases.

Submitted for orders

Chief Secy D.M. 22/5

I Member

1739 21-5-19

cm 26/5/19

6. The order of Govt is has not been finally drafted, in that it omits all reference to the principal grounds

D.M. 26/5

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 173 of 1918.

Serial No.

of disposal as indicated in the
opening sentence of my note 25-4-19.
I think Sesha Sastri may be told
that Govt have considered his re-
presentation but see no reason to
revise their previous order. The addition
cost referred to in para 9(1) of the G.O.
No 763-04 is primarily the remuneration
payable to a substitute in the shape
of fee or salary; consequently the circum-
stance that, by reason of a local
Advocate ~~of Chittoor~~ having been
appointed to conduct a certain case at
Chittoor, no extra expense in the
shape of travelling charges ~~allowance~~ is entailed
on Govt does not entitle the
permanent incumbent ~~to~~ to claim
the remuneration that has to be
paid to his substitute. Govt must
insist on the strict application of
the rule in para 9 to all cases in
which the temporary vacancy
arrangement is necessitated
by reasons personal to the legal
practitioner concerned.
I let me see a draft on the
above lines before it comes -

9. 25/5/19

NOTE—Contn. sheet.

No. A. 1789—GPB—60,000—20.3.18—S.

31/5/19 31/5

G. R. S. III-2]

General and Revenue Secretariat. | C/S File No. 173 of 1918.

Serial No.

10

Subd. with a draft to the Public prosecutor, Shimoga. It is for orders Sd/- if it is not necessary to send copy of the letter 31/5 to the District Magistrate, Chitaldrug. A.S. 2/6

11 Draft letter to the Dy. Commr. is submitted for favour of perusal before issue

D. M. 4/6

Read 1/6. 1957 13.6.19

I Member

Convert the draft letter into an Order (copy of Govt. Notification) Copy to Dt. Magistrate, Chitaldrug, & to all Asst. Commrs., & Sub Asst. Commrs. etc.

Sd/- 16/6

D. M. 5/6.

Subd. with a draft G.O. as per orders.

Sd/- 23/6/19. A.S. 23/6

Items in manuscript. Please note and move above

D. M. 5/7

6

2

The Public Prosecutor, Shimoga
" The Dist. Magistrate, Chitaldrug
" " " " Other Districts
" All the Prosecutors of Mysore & Bangalore
" The Govt. Advocate, Mysore

Sd/- 1501-12-9 Dated 26 July 1919

Copy down the principle of the rules in payment of remuneration to Legal practitioners during temporary vacancies.

Sd/- 8/8

A. T.

NOTE—Comm. sheet.

RECEIVED 8 AUG 1919

68553 1919

From The Public Prosecutor
Shimoga Division 173-18
5

To The Chief Secretary
to Government
Bangalore

Dated 1st May 1919.

Despatched "

Received

General No. 46
No.

Enclosure No. Nil

BER. & REV. SECTT. 3 - MAY 1919

3 - MAY 1919

Sir,

With reference to the Government order no 173-4 G 24436-7 Pls 173 18-4 dated 24th April 1919 directing that the sum of Rs 32/- payable to Mr B. Venkatasamaiah Advocate as per his bill for conducting the prosecution in Chitaldroog Sessions case no 1 of 1918 on the file of the Sessions Judge Shimoga Division be short drawn from my salary I have the honor to state with all respect that the order in question is opposed

GPB—1,50,000—20-6-11

to law and equity for the reasons detailed below and to request that the same may be kindly reconsidered and an equitable order passed.

2. The circumstances which led to the passing of the order are briefly these:- In December 1918 I was prevented from going to Chitaldroog for Session's work owing to some private inconvenience referred to in my letter to the District Magistrate of Chitaldroog. I therefore requested him to appoint a competent member of the local bar to conduct the only Sessions case which was posted for trial there on 9. 12. 18, pointing out to him at the same time that such an arrangement would not entail additional cost to Government under the circumstances; and he was kind enough to accede to my request and appointed Mr. B. Venkatasamanna as public prosecutor for the case who conducted the prosecution on the 9th and 10th December 1918 and claimed Rs 32/- as his fee. It is with reference to this amount that the order in question is passed.

3. Now rule 9 (1) of the rules laid down in Government order No. 1932-85-J.137 of 1902-03 dated 16th March 1904 requires that the Public Prosecutor, in consultation with the District Magistrate, should make satisfactory arrangements for the discharge of his duties in his absence and that such an arrangement should not entail additional cost to Government. In this case both the conditions were substantially complied with. For, as regards the arrangement, it was at my instance that the District Magistrate moved in the matter and it cannot therefore be said that I was no party to the arrangement. As to the second point which appears to be of the essence of the rule I beg to point out that in case I myself had gone to Chittaldroog and conducted the case I should have been paid by way of travelling allowance and batta as per rules Rs 38/. (Rs 32/. being the railway fare and mileage and Rs 6/. being the halting allowance for two days) and that,

as that amount exceeds the fee claimed by Mr. Venkatachamanna, it could in no sense be said that the arrangement entailed additional cost to Government. Far from being so it is clear that Government was a gainer by Rob.

4. It is respectfully submitted that the Government order of the 24th May 17 referred to is not in point as in that case no arrangement had at all been made by the Public Prosecutor

5. For the reasons set forth above it is respectfully prayed that the order in question may be kindly revised and that the sum of Rs 32/- short drawn by me may be ordered to be refunded to me.

I have the honor to be
Sir,
Your most obedient Servant
N. Seshasastri
Public Prosecutor
Shimoga Division

G.R.S. VI-71]

SUBJECT Passes orders on the representation of Mr. N. Sesha Sastri Public Prosecutor, regarding the short drawal from his pay of Rs 32 paid to Mr. B. Venkatalasamanna for having conducted a session case at Chitaldrug

Diary No. of letter replied to

Section
File No. 173-18
Serial No. 6

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

the 191 .

Read

Date of issue 21/7/19

Signed by

Sub for orders

May this be

i Printed ? Yes (I members order)

treated as a standing order ? yes

published in the Gazette, English Part ?

translated ? no

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Order Thereon No.

ADC 23/6

19-6-19

Prosecutor, Shimoga Dvn,
Representing that both
the conditions in Rule
9(1) of the rules laid
down in G.O No 1932-85
dated 13.7.1902-03
of 16-3-1904 were complied with as the Sheristadar of the Court of Sessions at Chitaldrug, with whom arrangements were made by the Vakil at his instance for conducting the Sessions case at Chitaldrug,
he would have got
more by way of T.A if he had gone to Chitl?
than what was claimed
by Mr. Venkatasamanna
and requesting therefore
that the orders read above
may be revised and
the sum of Rs 32/- refunded to him.

Order No. 1501-12

Govt. have
considered the representation
but see no reason

List of enclosures.

Copied by

Examined by

WD 1744—GPB -30,000—17-3 19

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

to revise the order
~~reported~~ of the 24th
April 1919. ~~The additional~~
2. The additional cost
referred to in para 1(c)
above of the G.O. of the 16th March
1907 is primarily the
remuneration payable
to a substitute in the
shape of fee or salary,
consequently the circum-
stance that, by reason
of a local Advocate
having been appointed
to conduct a certain
case at Chitaldrug,
no extra expense in
the shape of travelling
charges was entailed
on Govt, does not
entitle the permanent
incumbent to claim
the remuneration that
had to be paid to his

substitute.

3. Govt. consider it ~~necessary to insist on the strict application~~ that the rule in para 9 of the G. O. of 16-8-1916 must be strictly applied to all cases in which temporary or acting arrangements are necessitated by reasons personal to the legal practitioners concerned.

D. M.
M for chief Secy.

2.

The Public Prosecutor
Shimoga.

~~Copy to the~~ Dt. magte. Chitaldrug.
" Dt. magte of other Dts.
" Public Prosecutors
of Mysore & Bangalore
" Govt. Advocate.

EC 9/8/16.
AAG 28/8

WD 1249—GPB—10,000—25-1-19

S. O. [illegible] Legal Practitioners.

No. G. 1501-12—Cts. 173-18-6, dated 21st July 1919.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

Read—

Government Order No. G. 24436-7—Cts. 173-18-4, dated 24th April 1919, directing that the amount of Rs. 32 payable to Mr. B. Venkatasamanna, Advocate, Chitaldrug, for having conducted the prosecution in Chitaldrug Sessions Case No. 1 of 18-19, be short drawn from the salary of the Public Prosecutor, Shimoga Division.

2. Letter No. 46, dated 1st May 1919, from the Public Prosecutor, Shimoga Division, representing that both the conditions in Rule 9 (1) of the rules laid down in Government Order No. 1932-85—J. 137 of 1902-03, dated 16th March 1904, were complied with as the District Magistrate had appointed Mr. Venkatasamanna at his instance to conduct the Sessions Case at Chitaldrug, and that he would have got more by way of travelling allowance if he had gone to Chitaldrug than what was claimed by Mr. Venkatasamanna and requesting therefore that the order read above may be revised and the sum of Rs. 32 refunded to him.

Order No. G. 1501-12—Cts. 173-18-6, dated 21st July 1919.

Government have considered the representation, but see no reason to revise the order of the 24th April 1919.

2. The additional cost referred to in para 9 (1) of the Government Order of the 16th March 1904, is primarily the remuneration payable to a substitute in the shape of fee or salary; consequently the circumstance that, by reason of a local Advocate having been appointed to conduct a certain case at Chitaldrug, no extra expense in the shape of travelling charges was entailed on Government, does not entitle the permanent incumbent to claim the remuneration that had to be paid to his substitute.

3. Government consider that the rule in para 9 of the Government Order of 16th March 1904 must be strictly applied to all cases in which temporary or acting arrangements are necessitated by reasons personal to the legal practitioners concerned.

C. S. BALASUNDARAM IYER,
Chief Secretary to Government.

To—The Public Prosecutor, Shimoga.
The District Magistrate, Chitaldrug.
The District Magistrates of other Districts.
The Public Prosecutors of Mysore and Bangalore.
The Government Advocate in Mysore.

Exd.—C. R.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. G. 1501-12—Cts. 173-18-6, dated 21st July 1919.

Legal Practitioners.

Lays down the principle to be applied in payment of remuneration to —— during temporary arrangements.

W D 246—GPB—31-7-19—370